

**CITY OF INGLESIDE
MINUTES
CITY COUNCIL MEETING
JUNE 24, 2014**

1. Call meeting to order

The meeting was called to order at 6:31 p.m. with Mayor Pete Perkins presiding. Council Members present: Mayor Pete Perkins and Council Members Cynthia Wilson, Ben Tucker, Elaine Kemp, Kevin Robbins, Willie Vaden, and Paul Pierce. Staff present: City Manager, Jim Gray, Finance Director Rosie Vela, and City Secretary Kimberly Drysdale. There were approximately 20 guests.

2. Invocation

3. Pledge of Allegiance

4. Presentations from the Audience

There were no presentations from the Audience.

5. Consideration and action of the Minutes of the City Council Meeting of June 10, 2014.

Council Member Kemp made a motion to approve the Minutes of the City Council Meeting of June 10, 2014 and was seconded by Council Member Tucker. The motion was approved with Mayor Perkins and Council Members Wilson, Tucker, Kemp, Robbins, and Vaden voting aye; and Council Member Pierce abstaining because he was not present at that meeting.

6. Consideration and action regarding Economic Development Negotiations with Oxy Ingleside Energy Center. The Council may meet in Closed Executive Session in accordance with Texas Government Code Section 551.071 to "Consult with Attorney" and Section 551.087 "Deliberations Regarding Economic Development Negotiations."

Mayor Perkins closed the Public Meeting to go into Executive Session at 6:33 p.m.

Mayor Perkins closed the Executive Session and reopened the Public Meeting at 7:31 p.m.

7. Consideration and action of a Change Order regarding the additional paint and a Budget/Contract Amendment regarding the additional testing and engineering services as they relate to the EDA Grant for the Elevated Water Tower.

Melanie Gavlik of Naismith Engineering explained the original paint bid for this project was \$130,700 due to the labor intensive process involved, so the addition of stripes at the top and bottom of the tank for anywhere between \$9,351 to \$14,583 depending on the size is relatively minor. The question is the size of the stripes while maintaining the integrity of the city logo on the tank. Staff is in contact with City of Sugarland's staff trying to get details regarding their water tower that has been suggested as a model. Understand Council's concern not to diminish the city logo.

Council Member Kemp made a motion authorizing the City Manager to negotiate the size and price for the Paint Change Order to have equal stripes at the top and bottom of the tank while maintaining

the integrity of the city logo and not to exceed \$14,583 of Capital Improvement Funds; and was seconded by Council Member Perkins. The motion was approved with Mayor Perkins and Council Members Wilson, Tucker, Kemp, Vaden, and Pierce voting aye; and Council Member Robbins voting no.

Mrs. Gavlik reminded the Council that previously approved Change Order #1 authorized the change from a matt foundation to a pier foundation due to the supposed changes in the findings of the geotech testing. The Contractor's original Change Order request was \$180,000 and due to the additional structural reviews and negotiations by the engineer, the Change Order was reduced to \$55,000 which was still lower than the bids by other Contractors that originally bid a pier foundation. This additional four months of review and negotiations has required an increase in engineering fees originally bid for this project. The engineer fees to date, along with funds to complete the project are estimated to be a total of an additional \$22,400.00. There were some discussions regarding who was responsible for the original Change Order #1 and thereby whether it should have been known that the matt formation would not be sufficient and a pier foundation would be required. Council Member Vaden stated this was already discussed during the negotiation of Change Order #1 and this is the result of the additional engineering fees involved.

Council Member Vaden made a motion authorizing the Change Order to increase the Engineering Fees by \$22,400 and was seconded by Council member Kemp. Council Member Vaden amended his motion authorizing the use of Capital Improvement Funds and was seconded by Council Member Kemp. The motion was approved with Mayor Perkins and Council Members Wilson, Tucker, Kemp, Robbins, and Vaden voting aye; and Council Member Pierce voting no.

Due to the additional testing required to negotiate the change from a matt to pier foundation, there were additional soil tests performed. Along with the additional testing ongoing until the end of the project, it is estimated an additional \$24,871.80 will be needed to complete all of the soil, density, and concrete compressive strength testing. It was noted that all of these bills have been a direct pass through from Rock Engineering through Naismith Engineering to the City of Ingleside. Because Naismith has paid these bills to date, the City will be reimbursing Naismith Engineering.

Council Member Vaden made a motion authorizing the use of Capital Improvement Funds not to exceed \$25,000 for the purpose of soil, density, and concrete compressive strength testing; and was seconded by Council Member Kemp. The motion was approved unanimously.

8. Consideration and action of a Resolution adopting Ingleside Strategic Parks and Recreation Master Plan, providing for repeal of conflicting Parks and Recreation Master Plan.

Mr. Allen Beyer of Naismith Engineering explained that after having had 2 public hearings and input from Council Members and Staff, the draft plan in their Council Packets is ready for submission to Texas Parks and Wildlife Department. There were a couple of copy errors that were noted and Mr. Beyer gave an overview of the needs that were noted and explained that the plan would be sent do Texas Parks and Wildlife by July 2, 2014 and the grant application would be submitted by August 31, 2014. Council Members expressed their concern that there be adequate staff to maintain the additional park needs.

Council Member Pierce made a motion to approve Resolution # 1089 adopting the Ingleside Strategic Parks and Recreation Master Plan, providing for repeal of conflicting Parks and Recreation Master Plan; and was seconded by Council Member Tucker. The motion was approved unanimously.

9. Public Hearings regarding:

Mayor Perkins opened the Public Hearing at 8:15 p.m.

- (a) An application to temporarily be allowed to reside in an RV (Recreational Vehicle) on site while building a new home located at Lot 22, Block 1, Sweet Bay Estates Subdivision, also known as 2626 Big Oak Lane.**

Mr. Tom Nichols spoke on behalf of the property owners due to them being out of the area at this time. He stated this is a great family who is only trying to watch out for theft from their work-site.

There were no speakers against this Special Permit.

- (b) An application to close and abandon an alley that extends from State Highway 361 to Blaschke Street, next to the Stripes store located at 2589 State Highway 361, Ingleside, Texas.**

Mr. Gene Clancy of Stripes spoke in favor of the closure and abandonment of the alley that currently extends from SH-361 to Blaschke Street. They have purchased the additional property and demolished the structures and eventually want to expand their parking and services towards the East.

There were no speakers against this alley closure.

Mayor Perkins closed the Public Hearing at 8:19 p.m.

10. Consideration and action of an Ordinance granting a Special Permit to place a Travel Trailer for a temporary on site residence while building a new home known as Lot 22, Block 1, Sweet Bay Estates Subdivision, also known as 2626 Big Oak Lane and further providing for effective date, reading, severance and publication. (First Reading)

Council Member Pierce made a motion to pass to a second reading the Ordinance granting a Special Permit to place a Travel Trailer for a temporary on site residence while building a new home known as Lot 22, Block 1, Sweet Bay Estates Subdivision, also known as 2626 Big Oak Lane and further providing for effective date, reading, severance and publication; and was seconded by Council Member Wilson.

Council Member Vaden requested the Special Permit specify until there is a Certificate of Occupancy received on the house. Council Member Pierce amended his motion to specify six months or until of Certificate of Occupancy is received, whichever comes first; and was seconded by Council Member Vaden.

Building Official John Davis explained the existing code specifies that within R-1 zoning, which this is, only one household per plat can have a permanent connection. Therefore, once the house is hooked up to the City's water/wastewater systems and has a Certificate of Occupancy, the trailer will have to be removed from the water/wastewater systems.

Council Member Pierce withdrew his amendment and the original motion was approved unanimously.

11. Consideration and action of an Ordinance of the City of Ingleside, Texas Abandoning and Vacating all of the 16' wide alley in Block Four (4) of the Blaschke's Highland Addition of Town of Ingleside; and providing for effective date, readings, severance, and publication. (First Reading)

Mayor Perkins questioned the fueling of large trucks as well as the additional traffic hazards on SH-361 and Main Street (FM1069). City Manager Jim Gray stated both roadways are the jurisdiction of TxDOT and staff is mainly concerned with traffic during the morning/evening rush hours, not all day, every-day.

Gene Clancy from Stripes explained their main focus at this time is the need for additional parking and the circulation of traffic around the building with the existing pumps. They are aware of the possible bypass and therefore have not committed to any additional pumps at this time. Diesel is still being considered, but is not a definite item at this time. He further noted that TxDOT has ultimate say regarding their drives in/out of the lots and therefore could disallow additional driveways and of course TCEQ and the City would require additional permitting if more tanks were requested.

Mr. Gray stated there is no charge for the closure of the alley; however, Stripes will be paying for the movement of the water and wastewater lines as well as a new fire hydrant. Currently there is a 6" wastewater and a 2" water line in the alleyway. The city will purchase the materials for the new 6" water line as well as the fire hydrant itself because those do not already exist. Stripes will pay for remaining materials and labor to install the new materials.

Council Member Kemp made a motion to pass to a second reading an Ordinance of the City of Ingleside, Texas Abandoning and Vacating all of the 16' wide alley in Block Four (4) of the Blaschke's Highland Addition of Town of Ingleside; and providing for effective date, readings, severance, and publication; and was seconded by Council Member Vaden. The motion was approved unanimously.

12. Consideration and action of an Ordinance changing the zoning for the following property from its present zoning of R-1 (Single Family Residential District) to M (Multi-Family Residential District) and further providing effective date, reading, severance and publication: Lots 24, 25, and 26, Block 18, R.J. Williams Subdivision. (Final Reading)

Council Member Kemp made a motion to approve Ordinance # 1108 changing the zoning for the following property from its present zoning of R-1 (Single Family Residential District) to M (Multi-Family Residential District) and further providing effective date, reading, severance and publication: Lots 24, 25, and 26, Block 18, R.J. Williams Subdivision; and was seconded by Mayor Perkins. The motion was approved unanimously.

13. Consideration and action of an Ordinance amending the Ingleside City Code Chapter 74, Article III, Wrecker Service; by repealing the current sections 171 through 178 in their entirety, and adopting the current Section's 171- through 210, providing for an offense, providing for the option of a wrecker rotation list, providing for an application fee, providing for an annual wrecker rotation list fee, providing for review by the Chief of Police for compliance with this section, providing a requirement for insurance coverage, providing for an appeal process to the City Manager for suspension or revocation of permit, providing for the inspection of vehicle storage facilities, providing for inspection of wrecker and the required equipment of participating

wreckers, providing for maximum auto wrecker service and storage fee rates, providing for a towing fee study if requested, providing for an allowable annual rate adjustment tied to the consumer price index, and providing for a severance clause, and providing for publication and an effective date. (Final Reading)

Council Member Pierce made a few suggestions for clarification and questioned if these maximums were equal to or less than the maximums set by the State of Texas. Police Chief Stan Bynum agreed each of the clarification were reasonable and stated the maximums noted within the Ordinance are lower than those set by the State of Texas. It was also noted this Ordinance was reviewed by the City Attorney. The only reason it was not brought back to Council several months ago was due to the Attorneys for the City of Corpus Christi reviewing their Ordinance and we were waiting for that outcome. At this time, their Ordinance is still being reviewed; however, we wanted to go ahead and submit this to Council.

Council Member Kemp made a motion to approve Ordinance # 1109 amending the Ingleside City Code Chapter 74, Article III, Wrecker Service; by repealing the current sections 171 through 178 in their entirety, and adopting the current Section's 171- through 210, providing for an offense, providing for the option of a wrecker rotation list, providing for an application fee, providing for an annual wrecker rotation list fee, providing for review by the Chief of Police for compliance with this section, providing a requirement for insurance coverage, providing for an appeal process to the City Manager for suspension or revocation of permit, providing for the inspection of vehicle storage facilities, providing for inspection of wrecker and the required equipment of participating wreckers, providing for maximum auto wrecker service and storage fee rates, providing for a towing fee study if requested, providing for an allowable annual rate adjustment tied to the consumer price index, and providing for a severance clause, and providing for publication and an effective date with the changes noted by Council Member Pierce; and was seconded by Council Member Tucker. The motion was approved unanimously.

14. Consideration and action of a Resolution abolishing an impoundment Fee in "Appendix A: of the Ingleside Code of Ordinances Schedule of Fee's, Chapter 74 Vehicles for hire, Article III and establishing an Application Fee, Permit Fee, and Inspection Fee of Substitute Wrecker Fee assessed under the Chapter, and establishing an effective date. (Single Reading)

Council Member Kemp made a motion to approve Resolution # 1090 abolishing an impoundment Fee in "Appendix A: of the Ingleside Code of Ordinances Schedule of Fee's, Chapter 74 Vehicles for hire, Article III and establishing an Application Fee, Permit Fee, and Inspection Fee of Substitute Wrecker Fee assessed under the Chapter, and establishing an effective date; and was seconded by Council Member Tucker. The motion was approved unanimously.

15. Consideration and action regarding the appointment of a new member to serve on the Planning and Zoning Commission.

Council Member Vaden made a motion to appoint Connor Brown to serve on the Planning and Zoning Commission and was seconded by Council Member Wilson. The motion was approved unanimously.

16. Consideration and action awarding the contract(s) related to the Street Repairs Program to provide limestone base and two-course overlay for maintenance of existing streets within the City of Ingleside.

Council Member Kemp made a motion to award the bid for the two-course asphalt work to J. Carroll Weaver not to exceed \$78,158.40 and the bid for limestone materials to Coast Materials not to exceed \$34,500; and was seconded by Council Member Vaden. The motion was approved unanimously.

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17. Receive and discuss the City's financial situation, including but not limited to its budget, revenues, expenses, assets and debts.

Finance Director Rosie Vela provided an overview of the current finances and there were no additional questions from the Council.

18. Consideration and action of an amendment to the Ingleside Development Corporation FY 2013/2014 Annual Budget for promotional costs.

City Manager Jim Gray explained that the Ingleside Development Corporation (IDC) Board has met recently and is requesting a budget amending of \$14,167 for a movement of funds to "Promotional Items." This could be used for numerous things, one of which could be to assist in the expense of an entry way sign into Ingleside. IDC Chairman Steve Diehl explained that we can only spend up to \$10% per year for promotional items and although we cannot go back into previous budgets, we can "accumulate" these funds as we leave this budget year to add into next budget year in order to expand the funds for a larger project.

Mayor Perkins made a motion to approve the amendment to the IDC FY 2013/2014 Annual Budget for promotional costs and was seconded by Council Member Kemp. The motion was approved unanimously.

19. Staff Reports

City Secretary Kimberly Drysdale stated the sign-up date for the TML Annual Conference has been delayed until mid-July. If anyone else besides Mayor Perkins and Council Member Wilson would like to attend, please let the staff know as soon as possible.

City Manager Jim Gray reminded Council that Friday, June 27, 2014 is the TML Quarterly Region 11 Meeting if anyone wanted to attend. He also noted that the Joint IISD/City Meeting scheduled for July 21, 2014 at 6:30 p.m. will be held at City Hall. Mr. Gray will be out of town the remainder of this week in order to attend the TCMA Conference.

20. Requests from Council Members

Council Member Wilson requested the staff to look into sidewalks along SH-361. City Manager Jim Gray stated since they spoke last week regarding this request, he has talked with TxDOT and they have no objection to the sidewalks, at the City's expense; however, the foot-trails indicate there is more traffic on the North side of SH-361 instead of the South side. Staff is preparing to put sidewalk funds into the next budget for Council's consideration.

Mayor Perkins requested the removal of a school zone sign on Church Street; the staff to look into the condition of two homes located on Main Street, across from the Taqueria; and if TxDOT is still monitoring the possibility of a second turn-lane from Main Street (FM 1069) onto SH-361. Mr. Gray stated the staff would look into these requests.

Council Member Pierce requested a current traffic count near SH-361 and Avenue A in order to compare to the traffic count once the apartment complex is completed.

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Council Member Tucker asked if the staff has heard anything back from TxDOT regarding the sweeping of the FM-1069 from HEB to Kiewit. Mr. Gray stated we have not received a response at this time.

21. Adjourn

There being no further business, the meeting was adjourned at 9:07 p.m.

ATTEST:

APPROVED:

Kimberly Drysdale, City Secretary

Mayor Pete Perkins